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9 Attorneys for Petitioner
10 TERRY D. BEMORE

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13 UNITED STATES DISTRICT COURT
14 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
15 (HONORABLE LARRY A. BURNS)

16 TERRY D. BEMORE,

17 Petitioner,

18
19 v.

20
21 ROBERT L. AYERS, JR.

22 Respondent.

) Case No. 08cv0311-LAB

) DEATH PENALTY CASE

) **MOTION TO ALLOW SECOND**
) **COUNSEL TO WITHDRAW**

23
24 **I. STATEMENT OF FACTS AND REQUEST FOR RELIEF**

25 1. This Court appointed lead counsel on April 9, 2008, and appointed second
26 counsel on May 9, 2008.

27 2. Lead counsel has decades of capital litigation experience and has represent-
28 ed Mr. Bemore for many years in the California Supreme Court.

1 3. Lead counsel is intimately familiar with Mr. Bemore's case; second counsel
2 is not.

3 4. Mr. Bemore will not be prejudiced by second counsel's withdrawal.

4 5. Mr. Bemore has requested that second counsel withdraw from further repre-
5 sentation in this case.

6 6. Even though it is not appropriate for counsel to reveal confidential informa-
7 tion, he can state that there has been a breakdown in the attorney-client relationship. Thus, in
8 the interest of justice second counsel should be permitted to withdraw.

9 7. Second counsel wishes to honor Mr. Bemore's request that second counsel
10 be relieved.

11 8. Lead counsel has indicated he does not oppose second counsel's withdraw-
12 al and authorizes immediate filing of this motion.

13 A proposed order allowing second counsel to withdraw is being submitted directly to the
14 court via efile_burns@casd.uscourts.gov.

15 **II. CONCLUSION**

16 Based on the foregoing, the undersigned respectfully requests the Court order that second
17 counsel be allowed to withdraw and be relieved from further representation of Mr. Bemore.

18 Dated: August 13, 2008

s/Kurt David Hermansen

Attorney for Defendant
Email: KDH@KurtDavidHermansen.com

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

IT IS HEREBY CERTIFIED THAT:

I have caused service of APPLICATION TO ALLOW SECOND COUNSEL TO
WITHDRAW.

Attorney General
docketingsdawt@doj.ca.gov

I declare under penalty of perjury that the foregoing is true and correct.

s/Kurt David Hermansen